

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JARED MARTEL WILLIAMS,

Plaintiff,

v.

UNKNOWN MITCHELL, et al.,

Defendants.

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Case No. 4:17-CV-1282 NCC

MEMORANDUM AND ORDER

This matter is before the Court for review pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. Review of the record indicates that defendants Shawn Robinson, Tiffany Smith and Unknown Miller have not been served with process.

Plaintiff commenced this action in this Court on April 6, 2017. On September 5, 2017, the Court directed the Clerk to serve process on the complaint. The Clerk attempted to serve process upon defendants Shawn Robinson, Tiffany Smith, and Unknown Mitchell as plaintiff identified them in his complaint as correctional officers employment by the St. Louis City Justice Center. However, counsel for the City of St. Louis has declined to waive service as to these defendants, indicating that he has no record that Shawn Robinson or Tiffany Smith have ever been employed as correctional officers by the City of St. Louis. Additionally, defense counsel has indicated that there are several Millers employed by the City, and he has not been able to identify with specificity the Miller plaintiff believes to be the defendant in the present lawsuit.

Rule 4(m) of the Federal Rules of Civil Procedure provides:

If a defendant is not served within 90 days after the complaint is filed, the court -- on motion or on its own after notice to the plaintiff -- must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

In the case at bar, it has been more than 90 days since plaintiff filed his complaint naming Robinson, Smith and Miller as defendants, and the Court has attempted service twice on these defendants without success.

As noted above, Rule 4(m) of the Federal Rules of Civil Procedure provides that the Court, after notice to a plaintiff, shall dismiss an action against any defendant upon whom service has not been timely made. In light of plaintiff's status as a *pro se* and *in forma pauperis* litigant, he will be given the opportunity to provide the Court with adequate information such that these defendants may be timely served under Rule 4(m). Plaintiff's response to the Court is due no later than 21 days from the date of this Order.

Accordingly,

IT IS HEREBY ORDERED that, no later than 21 days from the date of this Order, plaintiff shall provide the Court with adequate information such that defendants Shawn Robinson, Tiffany Smith and Unknown Miller may be served with process.

IT IS FURTHER ORDERED that, in the absence of good cause shown, plaintiff's failure to timely respond to this Order shall result in the dismissal of Shawn Robinson, Tiffany Smith and Unknown Miller from this cause of action, without prejudice, pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

Dated this 19th day of April, 2018.

/s/ Noelle C. Collins
NOELLE C. COLLINS
UNITED STATES MAGISTRATE JUDGE